

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**CINTAS CORPORATION, CINTAS  
CORPORATION NO. 2, CINTAS  
CORPORATION NO. 3 and CINTAS  
HOLDINGS LLC,**

**Plaintiff,**

**v.**

**UNITE HERE, CHANGE TO WIN,  
INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS, BRUCE RAYNOR,  
AHMER QADEER, KEITH MESTRICH,  
ELIZABETH GRES, PETER DEMAY,  
KATIE UNGER, STEFAN ANTONOWICZ  
and DOES 1 THROUGH 100,**

**Defendants.**

**Civil Action No. 08-CV-2185**

**(Judge Pauley)**

**REPORT OF PARTIES' RULE 26(f) CONFERENCE  
AND PROPOSED DISCOVERY PLAN**

Pursuant to Rule 26(f), a telephone conference was held on Thursday, May 15, 2008. All plaintiffs and all defendants participated through counsel.

1. Settlement Discussions

The parties briefly discussed settlement and determined that resolution of this dispute by settlement is unlikely, at least at this stage of the litigation.

2. Initial Disclosures

The parties will exchange the information set forth in Fed. R. Civ. P. 26(a)(1) by June 30, 2008.

3. Motion to Dismiss

The Defendants shall file any motion to dismiss no later than June 20, 2008. Plaintiffs' memorandum in opposition shall be filed no later than August 8, 2008. Defendants' reply memorandum shall be filed no later than August 22, 2008.

4. Discovery

Plaintiffs maintain that discovery commenced on May 16, 2008, which is the day after the parties conducted their Rule 26(f) conference. Defendants maintain that discovery in this case should commence, if at all, after this Court rules on Defendants' joint motion to dismiss. Although the parties disagree as to when discovery should commence, the parties have reached an agreement on a general discovery plan, including the total amount of time needed to conduct formal discovery. The specific dates set forth in the following discovery plan are based upon Plaintiffs' position that discovery commenced on May 16, 2008. Defendants' position is expressed parenthetically by reference to the commencement of discovery.

a. Fact Discovery

All fact discovery shall be completed no later than May 15, 2009 (or within one year after commencement of discovery).

b. Expert Discovery

- (1) Plaintiffs shall identify their expert witnesses and produce expert reports by May 15, 2009 (or by the close of fact discovery). Plaintiffs shall make their expert witnesses available for deposition on or before June 15, 2009 (or during the 30 days following Plaintiffs' production of reports).
- (2) Defendants shall identify their expert witnesses and produce expert reports by July 14, 2009 (or 60 days following the close of discovery). Defendants shall make their expert witnesses available for deposition on or before August 13, 2009 (or within 30 days following Defendants' production of reports).

5. Number of Depositions

Each side shall be entitled to take 50 depositions. Because of the scope of this case, each party reserves the right to seek additional depositions, whether by mutual agreement or by motion.

6. Production of Electronically Stored Information ("ESI")

On or before July 1, 2008 (or within 45 days after the commencement of discovery), the parties will hold an in-person meeting to resolve issues concerning the exchange of ESI, and will seek to reach agreement on a wide range of ESI-related issues at that time. The parties also have agreed to have their counsel meet within 14 days after this Court's May 27, 2008 pretrial conference to discuss issues relating to the preservation of discoverable information.

7. Motion to Amend Pleadings

The cut-off date for amending pleadings and joining additional parties shall be September 16, 2008 (or 120 days following the commencement of discovery).

8. Dispositive and Daubert Motions

Dispositive and Daubert motions must be filed no later than September 28, 2009 (or within 45 days following the close of expert testimony). Memoranda in opposition to any such motion must be filed within thirty days of service of any such motion, and reply memoranda in support of any such motion must be filed within twenty days of service of the memoranda in opposition.

9. Pre-Trial Procedures and Trial

a. The parties propose that the final pretrial conference occur on or around January 15, 2010 (or within 60 days after briefing on the parties' dispositive and Daubert motions has been completed).

b. The parties propose that the case proceed to trial 30 days after the pretrial conference, subject to the Court's availability.

By: s/ Gregory M. Utter  
Gregory M. Utter (*admitted pro hac vice*)  
Jamie M. Ramsey (*admitted pro hac vice*)  
Keating Muething & Klekamp, PLL  
One East Fourth Street, Suite 1400  
Cincinnati, Ohio 45202  
Phone: (513) 579-6540  
Fax: (513) 579-6457  
Attorneys for Plaintiffs

By: s/ Irwin Rochman  
Irwin Rochman (SDNY Bar No. SS7573)  
Tesser, Ryan & Rochman, LLP  
509 Madison Avenue  
New York, New York 10022  
Phone: (212) 754-9000  
Fax: (212) 75-5906  
Attorney for Defendants UNITE-HERE,  
Bruce Raynor, Ahmer Qadeer, Keith  
Mestrich, Elizabeth Gres, Peter DeMay,  
Katie Unger and Stefan Antonowitz

By: s/ Andrew D. Roth  
Robert M. Weinberg (*pro hac vice*  
*motion pending*)  
Andrew D. Roth (*pro hac vice motion*  
*pending*)  
Leon Dayan (*pro hac vice motion*  
*pending*)  
Bredhoff & Kaiser, PLLC  
805 Fifteenth Street, N.W., Suite 1000  
Washington, DC 20005  
Phone: (202) 842-2600  
Fax: (202) 842-1888  
Attorneys for Defendants Change to Win  
and International Brotherhood of  
Teamsters